

3/24/14

11:24 A.M.

Chapter No. 416
14/HR40/R1705
CST / glj

HOUSE BILL NO. 928

Originated in House  Clerk

HOUSE BILL NO. 928

AN ACT TO AMEND SECTION 25-61-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY STAFF TIME OR CONTRACTUAL SERVICES INCLUDED IN ACTUAL COST OF PROVIDING RECORDS SHALL BE AT THE PAY SCALE OF THE LOWEST LEVEL EMPLOYEE OR CONTRACTOR COMPETENT TO RESPOND TO THE REQUEST; TO AMEND SECTION 25-61-15, MISSISSIPPI CODE OF 1972, TO PROVIDE A CIVIL PENALTY AGAINST ANY PERSON WHO CHARGES AN UNREASONABLE FEE FOR PROVIDING A PUBLIC RECORD; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 25-61-7, Mississippi Code of 1972, is amended as follows:

25-61-7. (1) Except as provided in subsection (2) of this section, each public body may establish and collect fees reasonably calculated to reimburse it for, and in no case to exceed, the actual cost of searching, reviewing and/or duplicating and, if applicable, mailing copies of public records. Any staff time or contractual services included in actual cost shall be at the pay scale of the lowest level employee or contractor competent to respond to the request. Such fees shall be collected by the public body in advance of complying with the request.

(2) A public body may establish a standard fee scale to reimburse it for the costs of creating, acquiring and maintaining a geographic information system or multipurpose cadastre as authorized and defined under Section 25-61-1 et seq., or any other electronically accessible data. Such fees must be reasonably related to the costs of creating, acquiring and maintaining the geographic information system, multipurpose cadastre or other electronically accessible data, for the data or information contained therein or taken therefrom and for any records, papers, accounts, maps, photographs, films, cards, tapes, recordings or other materials, data or information relating thereto, whether in printed, digital or other format. In determining the fees or charges under this subsection, the public body may consider the type of information requested, the purpose or purposes for which the information has been requested and the commercial value of the information.

SECTION 2. Section 25-61-15, Mississippi Code of 1972, is amended as follows:

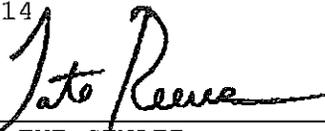
25-61-15. Any person who shall deny to any person access to any public record which is not exempt from the provisions of this chapter or who charges an unreasonable fee for providing a public record may be liable civilly in his personal capacity in a sum not to exceed One Hundred Dollars (\$100.00) per violation, plus all reasonable expenses incurred by such person bringing the proceeding.

SECTION 3. This act shall take effect and be in force from and after July 1, 2014.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 13, 2014


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 11, 2014


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR
3/24/2014 11:54 am